

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-045-R - ORDER NO. 94-596 ✓
JUNE 21, 1994

IN RE: Application of South Carolina Electric) ORDER
 & Gas Company for Adjustments in the) DENYING
 Company's Coach Fares and Charges.) REHEARING AND
) RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the June 10, 1994 Petition for Rehearing and Reconsideration of our Order No. 94-521 in this transit case. As per that Order, this Commission granted Summary Judgment to the Women's Shelter, and therefore, dismissed South Carolina Electric & Gas Company's (SCE&G's or the Company's) request to abolish the low-income rider discount program (LIRDP).

First, the Company states that the LIRDP itself constitutes a violation of §58-5-290 of the Code of Laws of South Carolina, and also, violates a number of constitutional provisions. The Commission would note that these matters are already on appeal in Richland County Circuit Court Civil Action No. 92-CP-40-5158, and therefore, reconsideration of this matter is not only untimely, but duplicative, as the Commission stated its position in Order Nos. 92-928 and 92-990.

Second, the Company states that the Commission's Order No. 92-928 constitutes a violation of the S.C. Code Ann. §58-5-290 and


of the Administrative Procedures Act, in that the resulting rates of the LIRDP are unjust, unreasonable, discriminatory, and non-compensatory. Further, the Company states its belief that the Commission's refusal to terminate the program is arbitrary and capricious and constitutes a abuse of discretion. Again, reconsideration of Order No. 92-928 occurred in our Order No. 92-990, issued on November 20, 1992. Further reconsideration of that Order is untimely, and again, the Court is already considering the matter in Civil Action No. 92-CP-40-5158. However, as the Commission stated in Order No. 94-521, the Company's submitted pre-filed testimony under our regulation R.103-869 raised no new questions of fact that were not considered in our Docket No. 92-023-R. Without more, the Commission had no new factual basis upon which to change its original decisions in Order Nos. 92-928 and 92-990. Therefore, the Commission sees no reason to reconsider this position, especially after our statement in our Order No. 94-519, dated June 6, 1994, where we held that a loss in the bus portion of the franchise is permissible under the tenets of State ex rel. Daniel, Attorney General v. Broad River Power Company, et. al., 153 S.E. 537 (S.C., 1929), once the Commission has examined the financial condition of the Company as a whole.

Finally, SCE&G submits that Order No. 92-928 contains no findings of fact or conclusions of law supporting the matters decided therein as required by §1-23-350 of the South Carolina Code of Laws. S.C. Code Ann., §58-5-330 states that an aggrieved

party has twenty (20) days to request reconsideration of any matter that it believes to be inappropriate or in error. This allegation was not raised in the Petition for Judicial Review filed in Civil Action No. 92-CP-40-5158. The Commission will not consider this matter, in that, the time limit imposed by §58-5-330 has long since passed.

All in all, the Commission finds that the Company has raised no reasonable grounds for rehearing or reconsideration in its Petition of June 10, 1994, and believes that said Petition must be denied. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


VICE Chairman

ATTEST:


Executive Director

(SEAL)